

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF WATER AND SEWERS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2010-2011 COMMENCING ON OCTOBER 1, 2010 AND ENDING ON SEPTEMBER 30, 2011, IN THE TOTAL AMOUNT OF \$73,096,173; APPROVING WATER AND SEWER RATE INCREASES TO HELP OFFSET WHOLESALE WATER AND SEWER RATE INCREASES IMPOSED BY MIAMI-DADE COUNTY EFFECTIVE OCTOBER 1, 2010, IN CONJUNCTION WITH A CONSUMER PRICE INDEX (CPI) ADJUSTMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, effective October 1, 2010, the Miami-Dade Water and Sewers Department has advised the City of increases in the wholesale water rate to \$1.6332 per 1,000 gallons and in the wholesale wastewater or sewer rates, at \$2.0436 per 1,000 gallons on average (wet/dry season);

WHEREAS, the City, shall, at the minimum, implement Miami-Dade County recommended rates of \$1.6332 per 1,000 gallons in the wholesale water rate and a wholesale wastewater sewer rates at \$2.0436 per 1,000 gallons (wet/dry seasons); and

WHEREAS, the City finds that it is in the best interest to recoup and help defray the increases imposed by Miami-Dade County and that the City will continue to pay Miami-Dade County for the purchase of its water and the disposal of its wastewater; and

WHEREAS, the Department of Water and Sewers is required by loan agreements to maintain ratios of operating income to operating expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The budget of the Department of Water and Sewers of the City of Hialeah, as attached hereto and made a part hereof, in the total amount of \$73,096,173, for the fiscal year 2010-2011 commencing on October 1, 2010 and ending September 30, 2011, is hereby approved and adopted.

Section 2: The City of Hialeah, Florida hereby approves a water rate increase to help offset wholesale rate increases in an amount equal to the increased wholesale water rate of \$1.6332 per 1,000 gallons by Miami-Dade County by action of the Board of County Commissioners, in conjunction with a Consumer Price Index (CPI) adjustment established by resolution.

Section 3: The City of Hialeah, Florida hereby approves a sewer rate increase to help offset wholesale rate increases in an amount equal to the increased wholesale sewer rate of \$2.0436 per 1,000 gallons imposed by Miami-Dade County by action of the Board of County Commissioners, in conjunction with a Consumer Price Index (CPI) adjustment established by resolution.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 6: Severability Clause.

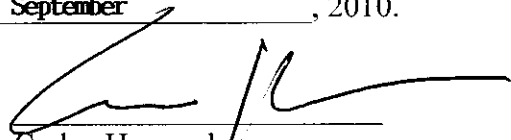
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

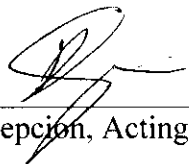
PASSED and ADOPTED this 29th day of September, 2010.



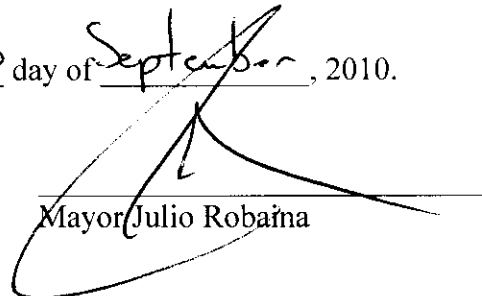
Carlos Hernandez
Council President

Attest:

Approved on this 30 day of September, 2010.

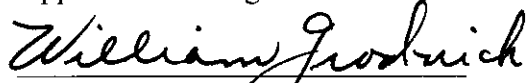


David Concepcion, Acting City Clerk



Mayor Julio Robaina

Approved as to legal sufficiency and form:



William M. Grodnick, City Attorney